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OFFICE OF PETITIONS

In re Application of :
Jeffrey et al. : DECISION ON PETITION
Application Number: 08/872,078 :
Filing Date: 06/10/1997 :
Attorney Docket Number: P/54265 :
:

This is a decision in reference to the "RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181," filed on January 26, 2009.

The petition is **GRANTED**.

This application was held abandoned for failure to timely submit the issue fee in response to the Notice of Allowance and Issue Fee Due mailed on August 13, 2001, which set a two (2) month shortened period for reply. On May 6, 2002, Notice of Abandonment was mailed. The petition filed on October 3, 2008, was dismissed on November 25, 2008.

The subject renewed petition was filed on January 26, 2009.

Petitioners again assert that the Notice of Allowance and Issue Fee Due was never received. Specifically, petitioner asserts that both the Notice of Allowance and Issue Fee Due and the Notice of Allowance were both mailed to an incorrect address.

Upon review, the showing of record is that, since the Notice of Allowance and Issue Fee Due was never received, there is no abandonment in fact. Further, in view of the showing that the Notice of Abandonment was never received, and the showing of diligent efforts by petitioners, the delay in filing the initial petition is excused.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The application is being referred to the Technology Center technical support staff for remailing of the Notice of Allowance and Fee(s) Due mailed on August 13, 2001. The period for reply will be reset from the mailing date thereof.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

A handwritten signature in cursive script, appearing to read "D Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions